

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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| UNITED STATES OF AMERICA, |) | Case No.: 1:08 CR 60- 2 |
| |) | |
| Plaintiff, |) | JUDGE SOLOMON OLIVER, JR. |
| |) | |
| v. |) | |
| |) | |
| JASON RODGERS, |) | <u>ORDER ACCEPTING PLEA</u> |
| |) | <u>AGREEMENT, JUDGMENT AND</u> |
| |) | <u>REFERRAL TO U. S. PROBATION</u> |
| Defendant. |) | <u>OFFICE</u> |

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge David S. Perelman regarding the change of plea hearing of which was referred to the Magistrate Judge with the consent of the parties.

On February 5, 2008, the government filed a two count Indictment, charging Defendant, Jason Rodgers, with Conspiracy to Distribute Cocaine Base, in violation of Title 21 United States Code, Section 846 and Distribution of a Controlled Substance, in violation of Title 21 United States Code, Sections 841(a)(1) and (b)(1)(A) . On June 12, 2008, Defendant Rodgers was arraigned and entered a plea of not guilty before Magistrate Judge David S. Perelman. On March 11, 2009, Magistrate David S. Perelman received Defendant Rodger's plea of guilty to counts 1 and 3 of the Indictment and issued a Report and Recommendation ("R&R") concerning

whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Rodgers is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Rodgers is adjudged guilty to Counts 1 and 3 of the Indictment, in violation of Title 18 United States Code, Section 1029(a)(2). This matter is referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on May 27, 2009, at 2:00 p.m. in Courtroom 17-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

DATED: April 1, 2009

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE